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MOTION](#)

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MEMO](#)

AGN. NO. _____

MOTION BY SUPERVISOR MICHAEL D. ANTONOVICH

JULY 20, 2004

During the 2003 legislative session, AB 185 (Jerome Horton) was passed and signed by then-Governor Davis. The new law; Food and Agriculture Code Section 486, sets constraints on the Secretary of Food and Agriculture's ability to contract with Los Angeles County for fiscal year 2004-05. In the 2004 session, AB 1896 (Jerome Horton) was introduced to remedy some of those limitations and provide funding for additional promotions of year-round seasonal employees to permanent status. Unfortunately, the bill and the funding have been stalled in the Legislature's struggle to pass a budget.

This has left a void at a biologically critical time. It is unclear whether the California Department of Food and Agriculture (CDFA) will be able to contract with the ACWM or be required to assume the responsibility for the program. CDFA, the union AFSCME Local 830 and ACWM agreed that until the issue is completely decided, it is best to keep the current County program intact. Consequently, CDFA and ACWM extended the current 2003-04 contract for one month, pursuant to the authority the Board delegated to ACWM in that contract.

- M O R E -

MOTION

MOLINA	_____
BURKE	_____
YAROSLAVSKY	_____
ANTONOVICH	_____
KNABE	_____

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ACWM is asking the Board to extend this delegated authority so that ACWM may sign contract extensions on a month-to-month basis until AB 1896 and the budget funding are either approved or rejected by the Legislature and the Governor. This contract will fully reimburse all County costs for this program. This will allow the program to continue uninterrupted during this critical time when fruit flies are being found and will avoid the unnecessary disruption of our employees lives. In the event that AB 1896 and the budget funding are not approved, CDFA will be required to assume responsibility for this program.

I, THEREFORE, MOVE that the Board of Supervisors delegate contract approval authority to the Agricultural Commissioner/Director of Weights and Measures for the purpose of entering into the Fruit Fly Detection Agreement with the State of California, Department of Food and Agriculture on a month-to-month basis until AB 1896 and the appropriate budget funding are either approved or rejected by the Legislature and the Governor.

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MDA:nh



County of Los Angeles
CHIEF ADMINISTRATIVE OFFICE

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DAVID E. JANSSEN
Chief Administrative Officer

July 19, 2004

To: Supervisor Don Knabe, Chairman
Supervisor Gloria Molina
Supervisor Yvonne B. Burke
Supervisor Zev Yaroslavsky
Supervisor Michael D. Antonovich

From: David E. Janssen
Chief Administrative Officer

Board of Supervisors
GLORIA MOLINA
First District

YVONNE B. BURKE
Second District

ZEV YAROSLAVSKY
Third District

DON KNABE
Fourth District

MICHAEL D. ANTONOVICH
Fifth District

MOTION TO PROVIDE CONTRACTING AUTHORITY TO THE AGRICULTURAL COMMISSIONER/DIRECTOR OF WEIGHTS AND MEASURES (AGENDA ITEM NO. 57-C FOR TUESDAY, JULY 20, 2004)

Item number 57-C on the Board's July 20, 2004 agenda is a motion by Supervisor Antonovich to allow the Agricultural Commissioner/Director of Weights and Measures (ACWM) to extend its agreement on a month-to-month basis with the California Department of Food and Agriculture (CDFA) for the Fruit Fly Detection program, pending action on AB 1896 (Horton).

AB 1896 affects ACWM's contracts with the State for insect detection services by requiring the County to make Agricultural Inspector Aides, for whom there is year-round work, permanent employees. The bill would also require the County to phase-in this requirement, with 50 percent of the workers achieving permanent status in FY 2005-06 and the remainder in FY 2006-07. The County is opposed to AB 1896 because it does not provide funding.

Last year, the Governor signed AB 185 (Horton), which prohibited the State from entering into agreements with the County unless Agricultural Inspector Aides, performing services under these agreements, were made permanent employees by July 1, 2004. The County's original position on AB 185 was to support the legislation because funding was provided. However, the bill was amended at the end of session to remove the funding. Consequently, the County changed its position to oppose, on September 15, 2003, and requested a veto because of the lack of funding. AB 1896 attempts to soften the impact of AB 185 by giving the County more time to make these employees permanent.

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Over the past several months, the Agricultural Commissioner, his staff, and our Sacramento Advocates have met frequently with the CDFA, the author's office, and sponsors of AB 1896 to remedy the problems created by AB 185. The County has consistently communicated to supporters of AB 1896 that although the bill gives the County more time to make the affected positions permanent, it does not address the primary concern of funding. To date, we understand \$550,000 has been included for this program in the 2004-05 budget bill for CDFA, and trailer bill language is being considered to provide authority for a continuous appropriation in subsequent years.

AB 1896 is pending action on the Senate Floor. It is sponsored by the American Federation of State Municipal and County Employees (AFSMCE). The bill is opposed by the California Agricultural Commissioners and Sealers Association.

Because of the interest in maintaining the program, and the legislative process related to AB 1896 has yet to conclude, the CDFA has provided funding to allow for a one-month extension of their 2003-04 agreement through July 30, 2004 within the Agricultural Commissioner's delegated authority. However, ACWM does not have the authority to extend further. Supervisor Antonovich's motion would provide ACWM with month-to-month authority, and would prevent program disruption. **ACWM and my office concur with Supervisor Antonovich's motion.**

DEJ:GK
MAL:JF:ib

c: Executive Officer, Board of Supervisors
County Counsel
Agricultural Commissioner